

1 HOUSE BILL 321

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Debra M. Sariñana and Elizabeth "Liz" Thomson and
5 Joanne J. Ferrary and Joy Garratt and Christine Chandler
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10 AN ACT

11 RELATING TO PUBLIC EDUCATION; REQUIRING THAT PUBLIC SCHOOLS
12 EMPLOY A MINIMUM OF ONE NURSE AND ONE SOCIAL WORKER; PROVIDING
13 IMPLEMENTATION; PROVIDING EXCEPTIONS; MAKING AN APPROPRIATION.
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. A new section of the Public School Code is
17 enacted to read:

18 "[NEW MATERIAL] NURSE AND SOCIAL WORKER IN PUBLIC
19 SCHOOLS--IMPLEMENTATION--EXCEPTION.--

20 A. As used in this section:

21 (1) "high-poverty public school" means a
22 public school in which eighty-five percent or more of the
23 students are eligible for free or reduced-fee meals; and

24 (2) "MEM" means the average full-time school
25 district membership, including early childhood education full-

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1 time-equivalent membership and special education membership, as
2 calculated on the second and third reporting dates of the prior
3 school year pursuant to Section 22-8-13 NMSA 1978.

4 B. Except as provided in Subsection C of this
5 section and as provided during the phase-in period provided in
6 this subsection, every public school, starting with high-
7 poverty public schools, shall employ at least one nurse and at
8 least one social worker for each school year. The provisions
9 of this subsection shall be phased in over a four-year period,
10 with a priority placed on high-poverty public schools, as
11 follows:

12 (1) for the 2020-2021 school year, one-third
13 of New Mexico's high-poverty public schools shall employ at
14 least one nurse and at least one social worker;

15 (2) for the 2021-2022 school year, two-thirds
16 of New Mexico's high-poverty public schools shall employ at
17 least one nurse and at least one social worker;

18 (3) for the 2022-2023 school year, all of New
19 Mexico's high-poverty public schools shall employ at least one
20 nurse and at least one social worker; and

21 (4) for the 2023-2024 school year and each
22 subsequent school year, every public school shall employ at
23 least one nurse and at least one social worker.

24 C. The department may provide exceptions to the
25 requirements of this section for:

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1 (1) school districts with a MEM of two hundred
2 or less that work with an existing regional education
3 cooperative, authorized by the secretary pursuant to the
4 Regional Cooperative Education Act; or

5 (2) school districts unable to hire qualified
6 nurses and social workers.

7 D. The department shall annually verify compliance
8 with the provisions of this section."

9 **SECTION 2. APPROPRIATION.**--Five million dollars
10 (\$5,000,000) is appropriated from the general fund to the
11 public education department for expenditure in fiscal year 2021
12 for the purpose of implementing the requirement that public
13 schools shall employ at least one social worker and at least
14 one nurse. Any unexpended or unencumbered balance remaining at
15 the end of fiscal year 2021 shall revert to the general fund.